SQUIRE PATTON BOGGS

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About Adam

Adam Hess has more than 30 years of experience representing clients in intellectual property (IP) litigation and counseling clients on IP matters involving a wide array of technologies.

Adam serves as lead counsel in federal district court litigation, in Section 337 investigations at the US International Trade Commission (ITC) and in international arbitration, including before the International Chamber of Commerce (ICC) in Europe and before several US arbitration bodies.

He has significant experience in Section 337 investigations at the ITC, including representing parties in evidentiary hearings and on appeal. He also represents clients responding to third-party subpoenas related to ITC investigations. He works with Customs and Border Protection on matters concerning the enforcement of ITC exclusion orders, both on behalf of successful Complainants and on behalf of companies seeking to import products that are outside the scope of existing Exclusion Orders.

Adam regularly writes and speaks on matters related to Section 337 investigations at the ITC. In 2011, he was part of a group from the ITC Trial Lawyers Association that travelled to China to make presentations in numerous Chinese cities on conducting Section 337 investigations. He has spoken at IPO's ITC Committee's Advanced Practice Seminar and is a coach for the ITC Trial Lawyers Association's Mock Hearing Program.

Recent ITC investigations include:

- *In re Certain Polyvinylidene Fluoride Resins* (Inv. No. 337-TA-1439)
- *In re Certain Furniture Products Finished with Decorative Wood Grain Paper* (Inv. No. 337-TA-1385)
- *In re Certain Pick-Up Truck Folding Bed Cover Systems (III)* (Inv. No. 337-TA-1353)
- *In re Certain Polycrystalline Diamond Compacts* (Inv. No. 337-TA-1236)
- *In re Certain Furniture Products Finished with Decorative Wood Grain Paper* (Inv. No. 337-TA-1229)

- *In re Certain Vacuum Insulated Flasks* (Inv. No. 337-TA-1216)
- *In re Certain Height-Adjustable Desk Platforms* (Inv. No. 337-TA-1214)
- *In re Certain Height-Adjustable Desk Platforms* (Inv. No. 337-TA-1125)
- *In re Certain Height-Adjustable Desk Platforms* (Inv. No. 337-TA-1054)
- *In re Certain Krill Oil Products* (Inv. No. 337-TA-1019)
- *In re Certain Height-Adjustable Desk Platforms* (Inv. No. 337-TA-992)
- *In re Certain Height-Adjustable Desk Platforms* (Inv. No. 337-TA-970)
- *In re Certain Laser Abraded Denim Garments* (Inv. No. 337-TA-930)
- *In re Certain Beverage Brewing Capsules* (Inv. No. 337-TA-929)

Adam also counsels clients on IP portfolio development, management, licensing, due diligence and patent prosecution across a range of industries, including nutritional supplements, cosmetics, agricultural chemicals, manufacturing equipment, office furniture, consumer goods, internet and software technology, as well as nuclear power. He has helped startup and smaller companies to become dominant in their industries by creatively developing and monetizing valuable IP portfolios. Adam has represented many Japanese companies, including in litigation, and regularly speaks on IP topics to Japanese organizations, including the Japan Intellectual Property Association.

Adam has represented both patent owners and challengers in America Invents Act (AIA) proceedings before the Patent Trial and Appeal Board (PTAB), as well as in traditional reexamination and reissue proceedings.

In addition to handling IP matters, Adam utilizes his experience with Customs & Border Protection (CBP) to represent clients at CBP with regard to matters arising under the Uyghur Forced Labor Prevention Act, including at individual ports, to expeditiously obtain the release of detained goods and at CBP Headquarters, to proactively obtain approval to admit goods into the US with an advance ruling.

Adam is active in *pro bono* matters for veterans and has served on the Board of Directors for the Arlington Free Clinic.

Before joining the firm, Adam was a partner at another AmLaw 100 law firm, where he served as a local office managing partner, hiring partner, and IP litigation group leader.

Prior to entering law school, Adam spent several years working on processes to improve the production of nitrocellulose at Hercules Chemicals, supervising the production of ABS plastic materials at Borg Warner Chemicals, and overseeing production of organic herbicides and insecticides at FMC Corporation.

Experience

ITC

- *In re Certain Polyvinylidene Fluoride Resins* (Inv. No. 337-TA-1439). Representing Respondent in Section 337 investigation involving polymer resins used in lithium-ion batteries and applications related to electric vehicles.
- *In re Certain Furniture Products Finished with Decorative Wood Grain Paper* (Inv. No. 337-TA-1385). Represented Complainant, a manufacturer of decorative wood grain paper used to finish furniture, in a copyright-based investigation. Case settled favorably.

- *In re Certain Pick-Up Truck Folding Bed Cover Systems (III)* (Inv. No. 337-TA-1353) (Bhattacharyya). Represented Respondent, a retailer of aftermarket automotive parts, in a patent-based investigation. Case settled favorably.
- *In re Certain Polycrystalline Diamond Compacts* (Inv. No. 337-TA-1236) (Elliott). Represented Respondent, a retailer of industrial diamond products including PDC cutters used in rotary drill bits, in a patent-based investigation. Successfully invalidated all patents asserted at the hearing under 35 U.S.C. § 101.
- *In re Certain Furniture Products Finished with Decorative Wood Grain Paper* (Inv. No. 337-TA-1229) (Cheney). Represented Complainant, a manufacturer of decorative wood grain paper used to finish furniture, in a copyright-based investigation. Successfully settled when Respondent agreed to a Consent Order and agreed to stop importing and selling the infringing products.
- *In re Certain Vacuum Insulated Flasks* (Inv. No. 337-TA-1216) (Bullock). Represented Respondent, a general retailer of outdoor products, in a trademark and design patent-based investigation. Successfully settled prior to responding to the Complaint.
- *In re Certain Height-Adjustable Desk Platforms* (Inv. No. 337-TA-1214) (Shaw). Represented multiple Respondents, including a pioneering adjustable height desk manufacturer, in a patent-based investigation. Convinced the Complainant to withdraw the Complaint without concessions or settlement.
- *In re Certain Height-Adjustable Desk Platforms* (Inv. No. 337-TA-1125) (Bullock). Represented Complainant, a pioneering adjustable height desk manufacturer, in a patent-based investigation. Obtained and enforced a General Exclusion Order against numerous infringers.
- In *re Certain Krill Oil Products* (Inv. No. 337-TA-1019) (Lord). Represented Complainant, a leading krill oil manufacturer in an ITC Section 337 investigation asserting patents related to krill oil and krill meal production. Case settled favorably.
- Represented multiple respondents in an ITC Section 337 investigation involving the process for the production of denim. Case settled favorably for all clients.
- Represented multiple respondents in an ITC Section 337 investigation involving the reusable coffee filters. Case settled favorably for all clients.
- Represented a Japanese automotive parts supplier named as a respondent in an ITC Section 337 investigation concerning after-market replacement parts for automobiles. Successfully resolved all issues prior to the hearing.
- Represented a Japanese cellular telephone manufacturer in an appeal before the U.S. Court of Appeals for the Federal Circuit, related to the scope and propriety of an Exclusion Order issued in an ITC Section 337 investigation. Successful on appeal in this landmark case that had a significant impact on the ITC's ability to issue exclusion orders against "downstream" products
- Represented a Japanese consumer electronics manufacturer named as a respondent in an ITC Section 337 investigation concerning automotive navigation systems. Successfully resolved all issues prior to the hearing.
- Represented a leading mosquito trap manufacturer in a series of patent infringement lawsuits, culminating in an ITC Section 337 investigation and in Federal Bankruptcy Court. At the ITC, one respondent agreed to a consent order, removing its lead product from the marketplace. Another respondent defaulted, but when unable to proceed against it in U.S. District Court due to the respondent's bankruptcy filing, we pursued claims in Federal Bankruptcy Court. The Bankruptcy Court awarded the complaint possession of the respondent's entire infringing product inventory, all of its intellectual property rights to the infringing product, and a significant cash amount.

U.S. District Court IP Litigation

- Represented a German packaging company accused of patent infringement, trademark infringement, unfair competition and breach of contract. Case settled favorably prior to trial.
- Represented a medical device manufacturer accused of infringing multiple patents across several district court litigations. Case settled favorably prior to the trial in the first case.
- Represented a cosmetics company in the development of an IP portfolio related to novel fingernail coatings and related technology, and subsequent patent enforcement proceedings in multiple U.S. district court actions.
- Represented a Japanese manufacturer accused of infringing patents related to radio-frequency identification (RFID) technology and decisively invalidated all relevant claims.
- Obtained dismissal of a patent infringement lawsuit relating to polymer manufacturing technology on behalf of a Japanese chemical company.
- Obtained a favorable result for a cosmetics company in a patent infringement case against a former employee and the employee's new company.
- Resolved a patent infringement lawsuit involving Internet distribution technology on behalf of an automotive accessory manufacturer.
- Represented a computer systems company in district court litigation involving numerous claims, including theft of trade secrets, unfair competition, and violation of a non-compete agreement. Successfully resolved all issues before trial.
- Favorably resolved a trademark litigation involving hair care products.
- Member of a team managing an intricate patent infringement litigation case involving movable electrified office panels. The team secured a damages award of $211.5 million against the most prominent office furniture manufacturer in the world. At the time, this was the second-highest damages award in patent litigation history.

International Dispute Resolution

- Successfully resolved two U.S. arbitrations relating to IP licensing in favor of a cosmetics company.
- Successfully represented a major Japanese manufacturer in a billion dollar cross-licensing intellectual property dispute before the ICC, culminating in a multi-week arbitration hearing in Switzerland.

Credentials

Education

- George Washington University Law School, J.D., 1992
- Lehigh University, B.S., 1987

Admissions

- Virginia, 2002
- District of Columbia, 1994
- U.S. Patent and Trademark Office

Courts

- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the District of Columbia
- U.S. District Court for the District of Columbia
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Eastern District of Michigan
- U.S. Court of Appeals for Veterans Claims

Memberships & Affiliations

- Member, American Bar Association
- Member, American Institute of Chemical Engineers
- Member, American Intellectual Property Law Association
- Member, District of Columbia Bar Association
- Member, Federal Circuit Bar Association
- Member, Intellectual Property Owners Association, ITC Committee
- Member, ITC Trial Lawyers Association
- Member, Virginia Bar Association
- Member, Virginia State Bar Association

Recognitions

- Recognized in the 2026 *Lawdragon 500* Leading Global IP Lawyers
- *The Best Lawyers in America* 2024, 2026 and 2027 for Patent Litigation
- *The Best Lawyers in America* 2023 for Patent Litigation and Patent Law
- *The Best Lawyers in America* 2006-2020 for Litigation, Intellectual Property, Litigation; Patent, and Patent Law
- *IAM Patent 1000: The World's Leading Patent Practitioners* 2017-2019
- *Washington, DC Super Lawyers* 2006-2013, 2015, 2017-2019
- Named one of Washington, DC's Legal Elite in Intellectual Property by *Virginia Business Magazine*

Expertise

Services

- Intellectual Property & Technology

About our firm

One of the world’s strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.